

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD S. SHEPHARD, JR.,	:	Civil Action No. 13-2299 (JEI)
Petitioner,	:	
v.	:	MEMORANDUM OPINION
UNITED STATES,	:	
Respondent.	:	

APPEARANCES:

Ronald S. Shephard, Jr.
Garden State Youth Correctional Facility
P.O. Box 11401 Highbridge Road
Yardville, NJ 08620
Petitioner pro se

IRENAS, Senior District Judge:

Petitioner Ronald S. Shephard, Jr., a prisoner confined at Garden State Youth Correctional Facility in Yardville, New Jersey, has filed a Petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241 challenging the calculation of his federal sentence. See United States v. Shephard, Criminal No. 09-0441 (D.N.J.).¹

¹ Petitioner was convicted in the U.S. District Court for the Western District of Missouri of being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), where he was sentenced to a term of imprisonment of twelve months and one day to be followed by a 3-year term of supervised release. See United States v. Shephard, Criminal No. 07-0315 (W.D. Mo.). In June 2009, jurisdiction of the supervised releasee Ronald S. Shephard, Jr., was

The filing fee for a petition for writ of habeas corpus is \$5.00. Pursuant to Local Civil Rule 54.3(a), the filing fee is required to be paid at the time the petition is presented for filing. Pursuant to Local Civil Rule 81.2(b), whenever a prisoner submits a petition for writ of habeas and seeks to proceed in forma pauperis, that petitioner must submit (a) an affidavit setting forth information which establishes that the petitioner is unable to pay the fees and costs of the proceedings, and (b) a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoner's institutional account during the six-month period prior to the date of the certification. If the institutional account of the petitioner exceeds \$200, the petitioner shall not be considered eligible to proceed in forma pauperis. Local Civ. R. 81.2(c).

Petitioner did not prepay the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor did Petitioner submit an application for leave to proceed in forma pauperis.²

transferred to this Court. Also in June 2009, Petitioner was arrested in New Jersey on various state charges. On October 14, 2009, while Petitioner was in state custody, this Court entered judgment revoking Petitioner's supervised release and sentencing him to a 24-month term of imprisonment. Petitioner is presently confined at Garden State Youth Correctional Facility upon his conviction on state charges, where his projected release date is January 26, 2017. See https://www6.state.nj.us/DOC_Inmate/details?x=1477840&n=0.

² This Court further notes that in dismissing Petitioner's earlier motion under 28 U.S.C. § 2255 for lack of jurisdiction, this Court observed that authority to provide credit for time served is delegated to the Attorney General, who acts through the Bureau of Prisons, and that Petitioner's claim was not then ripe for judicial review, as he had not exhausted his administrative remedies. See Shephard v. United States, Civil No. 12-3710, Order, Docket Entry No. 2 at 2 (D.N.J. July 3, 2012) (citing United States v. Wilson, 503 U.S. 329, 333-35 (1992); U.S. v. Hernandez, No. 11-2412, 2012 U.S. App. LEXIS 12660 at *9 (3d Cir. June 21, 2012)). Petitioner does not address, in this new Petition or its attachments, whether he has exhausted his administrative remedies.

CONCLUSION

For the reasons set forth above, the Clerk of the Court will be ordered to administratively terminate the Petition without prejudice. Petitioner will be granted leave to apply to re-open within 30 days, by either prepaying the filing fee or submitting a complete application for leave to proceed in forma pauperis.

An appropriate Order will be entered.

Date: May 21, 2013

/s/ Joseph E. Irenas
Joseph E. Irenas, S.U.S.D.J.